IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO. 839 OF 2003

Sitaram Churiwala .. Petitioner

vs.

M/s. Jain Radiators Pvt. Ltd. .. Respondents.

Shri K.K. Shroff i/by B. Amin & Co.
for petitioner.
Shri Tushar Gordia for the Company.

..

CORAM : S.U. KAMDAR,J.

DATE : 28TH JANUARY, 2005.

P.C.

1. The present petition claims a sum of Rs. 19,78,643/-. The learned counsel for the respondent company has offered to deposit a sum of Rs. 12 lacs in Court within a period of four weeks from today. The petitioner accepts the same. In view thereof, if the amount is deposited the petition to stand dismissed and on an intimation of such deposit by the advocate for the respondent company to the petitioner, the petitioner to file a suit within a period of four weeks from the date of such

intimation.

2. If such a suit is filed then the amount deposited will be transferred to the credit of the said suit. The office of the Prothonotary and Senior Master shall deposit the same in a fixed deposit with any nationalised Bank initially for a period of throe years and renew the same from time to time.

3. If such a suit is not filed within a period aforesaid, then in that event, the respondent company will be at liberty to withdraw the said amount.

4. In the event if the said amount is not deposited by the respondent company, the petition to stand admitted and advertised in Free Press Journal, Nav Shakti and Maharashtra Government Gazette at the costs of the petitioner. The Petitioner shall in addition deposit a sum of Rs. 2,000/- towards the costs.